

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001**

COMPLAINT OF
MID-HUDSON AREA LOCAL

DOCKET NO. C2013-3 AND
C2013- 4,5,6,7,8,9

**RESPONSE IN OPPOSITION TO MOTION TO
DISMISS**

(MAY 31, 2013)

The Complainant, Mid-Hudson Area Local, submits its response in opposition of the motion to dismiss this Complaint and the other 6 Complaints that have been filed on this same matter. The assertions by the USPS concerning this Complaint lacking jurisdiction and claiming it is procedurally defective and has no material facts to entitle the Local Relief are factually incorrect. The USPS states that the Complaint is unsubstantiated by any legitimate argument that the Local and the Consumers have rights to file a Complaint. The USPS also believes that there is no relief to be given within the means of the Postal Regulatory Commission. This Complaint was not filed to be included in Docket No. N2012-1. This Complaint speaks to the claim that the USPS failed to revise and update the AMP studies. The 55 sites including the Mid-Hudson P. & D. Center involve outdated information which also will adversely affect the Service Standards as well. The USPS has failed to show the PRC, the Mid-Hudson Area Local, those other locals that filed complaints and the Consumers the true numbers of the major costs involved to proceed with the

AMP Plans. The USPS fails to show the cost savings that has already occurred at the plants prior to any consolidation activities over the last two years. The 55 AMP studies should not have been advanced to June, July, August and September of 2013. The costs outweigh the savings that were estimated years ago and we request the information be updated prior to any action to consolidate or close the Plants.

The Complaint requests the Postal Regulatory Commission to utilize their enforcement tools to stop the 55 plant AMP consolidations immediately and require the USPS to provide the full and un-redacted facts of the savings they have recouped thus far at all the facilities and include the larger savings that occurred at the plants so that the Complainant's, the Consumers can see the benefit on whether consolidations will bring a savings as the USPS claimed years ago. We are requesting to have all the facts prior to the USPS consolidating a facility and the opportunity for the USPS to see if it might be more profitable to hold off at this time.

The Postal Service has not been factual with regard to maintaining the Intra-SCF service standard when they decided to advance the 55 Plant Consolidations that were scheduled for February 1st, 2014. If the Mid-Hudson P. & D. Center has its Managed Mail and Outgoing Mail consolidated to the Albany Plant the Service Standards cannot be maintained, and our service to the consumers and businesses that depend on the great service they receive now, will not address their needs.

The Albany Plant already has two plants consolidated into their original plant and cannot handle that mail volume from the Mid-Hudson Plant without a major reconstruction of their plant and without additional transportation costs, and more importantly they will adversely affect the service standards of the Hudson Valley Consumers and Business Owners.

The Mid-Hudson Plant is a leased facility by the USPS for \$ 1 dollar a year for the next 70 years. The Mid-Hudson Plant is located on the air field of Stewart International Airport. The cost to transport the Hudson Valley mail to the Albany Plant is \$5 million a year in additional costs. There is at this moment reconstruction going on at the Albany Plant to try to be able to accept Mid-Hudson Mail at the tune of over \$5million dollars. There is no \$14 million in cost savings as was stated by the USPS on page 5 of their Motion to Dismiss. In fact their plans are to spend at least \$10 million involving this consolidation. Where is the savings when the first phase still entails keeping the plant open to process the delivery routes, the plan to excess employees still includes your continued obligation to pay them the \$53,000 a year. The wages and benefits you're obligated to pay do not disappear, yet the USPS writes off the wages and benefits of these excessed employees as a "cost savings". This is falsification of the true material facts involved. We also believe that if other managers really see the actual numbers involved in the move they may realize that it is not a cost savings and it will have saved both sides from a bigger mistake.

Both the Albany Plant Operation Managers and the Mid-Hudson Operation Managers have admitted to the Union that there is not a savings and that the Intra-SCF service standards cannot be met. However, they are not willing to stand up to the Area or Headquarters and instead are willing to let the service fall because they must follow orders rather than report the truth. The Mid-Hudson Plant has lost over 80 employees due to retirement at a savings of over 4 million dollars, plus over \$2 million due to over 40 new lower waged employees hired without benefits. This is a cost savings to the USPS as they are temporary supplemental workers.(see Exhibit #1 attached

document on Clerk employees Mid-Hudson) Higher mail volume being processed by less employees, being paid lower wages and less benefits. The material facts need to be updated.

RELEVANT LEGAL STANDARDS

Pursuant to 39 U. S. C. 3662(a) The Mid-Hudson Area Local, Deborah Szeredy Union President for the Local and Debby Szeredy a Consumer of the USPS and a Community Activist, believes that the USPS is not operating in conformance with the requirements of the provisions of sections 101(d) the USPS agrees to act in efficient economical ways. The action to advance all 55 Plants that adversely affect the Service Standards of these facilities does not provide efficiency nor is it economical. It also does not make good business sense to immediately make a move based on old data. In all cases the USPS is basing decisions on inaccurate data that is outdated, as well as the data being inflated with falsifications and inaccurate cost savings. In fact in most cases the data from the outdated studies failed to report the added expenses in consolidating and closing the 55 facilities. The old studies do not reflect the enormous cost savings that has occurred since the APWU Contract that allowed for 20% low wage, minimal benefit temporary workers and in which the USPS is over that percentage of temporary employees across the country violating the contract. There is also the cost savings in all 55 Plants wherein early retirements were offered July of 2012 and a large amount of employees took the incentive. The USPS savings is again, enormous. The monies saved include the difference in what they were paying those employees and what those retired employees are now receiving in retirement benefits, including the retirees rise in health plan costs. Please review footnote (12) by the USPS on page 5 of their Motion to Dismiss. The consolidation **will not** result in approximately 240 fewer Postal Service positions between both the Mid-Hudson and Albany P&DCs. Right now the Albany P&DC is short staffed over 41 positions and those positions are on hold for those employees being excessed. (see Exhibit # 2) No employees from Mid-Hudson can be excessed to that facility as it is over 96 miles outside the excessing rules. In fact the Albany P&DC excessed over 114 employees into their plant recently when they consolidated the

Binghamton P&DC and the Plattsburgh P&DC. This excessing activity has caused the Albany Plant to increase the amount of time they cancel mail from the original time of 8:30pm – 9:00pm to now canceling mail up to 12:30 – 1:00am over 4 hours longer added to the actual processing and delivery sequencing of the mail.

The Mid-Hudson P&DC is short staffed over 7 clerk positions on record as well as having over 28 temporary workers (Postal Support Employees) trying to fill the empty positions that the USPS reverted when the early out was finalized. Those temporary workers are working between 36-40 hours a week.

(See attached Exhibit # 1 documents verifying our figures)

In our Complaint we did set forth the facts and circumstances that give rise to the Complaint.

- We clearly identified and explained how the USPS's action violates applicable statutory standards or regulatory requirements, including Title 39 Chapter 3691 sec. 302 of the Postal Service Plan of the PAEA. Section 302 C1 (c) and (d) states the USPS must continue to revise its network to meet new conditions of the plant as well as keep unions informed, Consumers and elected officials informed. Wherein 302 C3 A, B, C, D of the PAEA state the USPS must identify new costs and savings and then make a new decision based on the updated facts. This did not occur when the USPS took action, and advanced the 55 AMP studies for the targeted plants listed in our complaint for the summer of 2013. (See attached list in the Complaint C2013-3)
- We expect to obtain even more evidentiary support showing that the USPS failed to act in an efficient and economical way through discovery which we have not been provided at this time in the process. We request that the PRC provide us this right in order to not lack prejudice to any party.
- We have stated that the issues in this complaint are not pending or have not been resolved by any existing Commission proceeding or a proceeding, in any other forum in which the complainant is a party. This is not the same complaint as Docket No. N2012-1. That complaint involves stopping all closures and consolidations including reviewing other options to resolve the USPS financial

issues. Our complaint C2013-3 is requiring the USPS to follow the regulations with regard to acting in an efficient and economical manner, and to continue to revise and update AMP studies where so many changes have been made at the facilities that change significantly the need to consolidate. That the USPS actually be truthful and forthcoming on the material facts that the 55 advanced AMP studies are not in fact a cost savings but an economical, detrimental loss financially and a loss in service standards.

- This complaint has been discussed with the USPS Counsel. There has been correspondence back and forth from the APWU Headquarters to attempt to resolve the APWU Complaint. The USPS action to consolidate the 55 Plants has been advanced prior to the filing of this complaint. (see attached Exhibit # 3 documentation from APWU Headquarters on the meetings that have occurred with no results)
- We do not believe that additional steps with the PMG and/or the General Counsel would be adequate to resolve this complaint because on May 10, 2013 Deborah Szeredy questioned the PMG on the matter of the 55 Plants that were advanced. The PMG teleconference began at 11am. It was held right after the Board of Governors Meeting wherein the public was invited to attend and observe. The PMG stated to Ms Szeredy that he was unwilling to revise the 55 AMP studies even knowing that there were significant cost savings that occurred after the AMP studies were done. The PMG stated he was unwilling to place the 55 plants in abeyance until after the cost savings changes were investigated and documented. The PMG stated he was unwilling to wait until Congress was given the time to respond to bills at hand. Those bills addressed the issues of efficiency and the economical ways to resolve the USPS finances. The PMG stated to Ms. Szeredy that he was unwilling to look at the 55 Plants because he felt that he would be looked at as not doing his job and not being responsible. He made it quite clear that he was unwilling to research the real facts involving the consolidations of the 55 Plants that he had advanced, even knowing these 55 plants would affect the service standards.

The USPS in their motion agrees that if the Complainant raises material issues of fact or law that the proceedings can begin. The USPS agrees that the PRC has the right at the close of the proceeding to take appropriate action to remedy the noncompliance 39 U.S.C. 3662(c). (see Motion to dismiss page 6)

The USPS is wrong when it states that the Commission lacks jurisdiction. The PRC was formed to oversee the rules of the PAEA Section 302, the 39 CFR 3030, and 39 U.S.C. 3662. The PRC was given the responsibility to hold the USPS accountable and be in compliance and to remain financially secure. The PRC was given enforcement tools to direct the USPS to cease implementation of actions. Their actions will adversely affect the financial reliability of the service. The PRC needs to direct the USPS through subpoena power and use their authority to force the USPS to update and revise plans and studies that do not show accurate and dependable statistics on cost savings. The USPS is responsible for providing a viable efficient and economic service. Service standards were reviewed in Docket No. N2012-1 in general and the PRC made its recommendation that the service standards should not be changed in order to keep the service efficient and economical. The USPS did not care for that opinion and forged ahead with filing for that right to change the service standards without thought to the Consumers, small and large business partners, and the adverse affects on families, communities, and service to the public who are in need of medicines, checks, advertisements. There is a need for information from the government and mail service protection for consumer's privacy and protection from violators of the law. We still need access to correspondence in times of emergency and protection of the mails from anthrax all without delay. There has been no final decision from Congress as to the USPS right to change service standards yet the 55 Plant Consolidations which includes Mid-Hudson scheduled for this summer, **will change the service standards.**

ARGUMENT

The USPS does not state the material facts that have been made by the complaint. The USPS states that it appears we have 4 arguments. This is not accurate.

The complaint is based on the following arguments: (1) The plans to consolidate the 55 Plants that were advanced in March of 2013 from the date of February of 2014, are not revised and updated as is required under 39 U.S.C. 3662 101(d) and section 302 of the PAEA. The advanced movement of the 55 sites is not efficient nor economically sound. The studies were to be revised to meet changing conditions and must best suit operational needs. Again the move to advance the 55 sites does not meet changing conditions as the studies are based on old data from 2 to 4 years ago, and did not include the changed savings that have occurred at all the facilities since the AMP studies were approved by the USPS. Due to these changed conditions it is not operationally necessary to consolidate these sites at this time. The remedy is to revise and update all 55 plant AMP studies to include full disclosure.

(2) The USPS has failed to provide the truth about the real costs that are involved in the consolidations, as well as failure to provide the Public, Elected officials, and the Unions with un-redacted copies of the studies done back 2-4 years ago. USPS failed to provide the actual documentation to show the true costs and effects involved in the consolidation plans. Even after the NLRB ruled in the Union's favor that the USPS is required to provide un-redacted copies of the reports and documentation they have failed to do so. On March 29, 2013 the Mid-Hudson Local requested clearly a request for the old study to include all other documents including documents that they failed to provide to the PRC such as the sign-in sheets of all those who attended the Public Hearing, the comments they received including resolutions including signatures from other businesses and other public evidence the USPS received that supported putting a stop to the Mid-Hudson Plant consolidation plans with the Albany Plant. The request was for those documents they received from elected officials including acknowledging the many legislative members that attended the Public Hearing and spoke on behalf of the postal workers involving the

need to keep the mail local. The thousands of submissions by the public in support of keeping the mail processing locally to protect service standards. All of those requests have not been provided as of yet. We are requesting even more recent requests to show that the USPS is planning to spend over \$10 million dollars to reconstruct the plant in Albany to attempt to handle Mid-Hudson mail.(See Exhibit #5 and Exhibit # 6Requests for Info We want the latest figures on added transportation costs of over \$10 million, the plans for making another four hubs to help in transportation, and the environmental costs to the public in adding to the pollutants in the Hudson Valley as well as deny a better safety net for the protection of anthrax to our community as well as having a site for back-up when there are power outages, storms and catastrophes. Mid-Hudson has the best access to all Plants within the New York, New Jersey areas, including the international airport in our back yard. The study the Union received back in 2011 did not mention the fact that we lease the building for \$1 a year for 99 years to the Port of Authority, nor the fact that we process and deliver to over 210 smaller post offices in the Hudson Valley. The fact that the USPS flagrantly denied all of this documentation goes to their inappropriate, intentional deceptive failure to comply with the Code of Federal Regulations (39 U.S.C. 101 (b) and 39 U.S.C. 403(c) and 39 CFR 241.3 (3). They have attempted to hide important facts when the USPS made the decision to consolidate the 55 Plants this year, and has done so in an arbitrary and discriminatory manner. The result is the failure to provide full disclosure. The USPS failed to properly assess the needs and interests of the service community, when attempting to change the service standards yet the USPS denies that they will be doing such with the movement of mail both MMP, Outgoing, and Incoming during Phase 1 and Phase 2. Oh yes, lets not forget that the other 290 plants that have been consolidated in the last few years were eventually closed completely as there is much more than Phase 1 and Phase 2 in the hidden agenda of the USPS. False savings estimates, inaccurate data, will have maximum adverse impact on customer service, business mail entry, and retail & delivery service will be changed drastically. The PRC has the enforcement tools and subpoena power to direct the USPS to provide transparency and provide reliable data to comply with the applicable postal laws including the Postal Accountability and Enhancement Act Title 39 U.S.C.

(3) Requesting that the PRC require the USPS to revise all 55 sites to include full disclosure to all involving the review of advantages both on efficiency and economic advantages to keeping the Plants free from consolidation incorporating community input, to determine the best course of action to continue providing postal services to our community and our service to other postal facilities when the need arises to assist in getting the mail out during a crisis. Cease in the plan to grant undue and unreasonable preferences to other users of the mails and to turn those users of our service against the USPS in favor of utilizing private companies in the Hudson Valley Area. The advancement of the 55 plants to be consolidated by the summer of 2013 has a substantial negative impact on business, the economic stability of the community, as well as the well-being of our citizens. We are requesting that the PRC direct the USPS to include in their updated studies all of the above advantages to not consolidate the Mid-Hudson P&DC with the Albany P&DC, as well as the disadvantages if any. The study should include the mail volume growth, and the community growth within the state compared to the site chosen to receive mail in the consolidation. The studies should include the cost savings after retirements from the early out that occurred as well the cost savings utilizing Postal Support Employees. More importantly the study needs to clearly show where the service standards will be adversely affected in the mail processing service areas and those towns and cities that will lose the service standards they have come to rely upon as each type of mail is sent to the other P&DC. Proposed. This violates Title 39 U.S.C. Chapter 36 that the plan the USPS comes up with should meet the standards.

The Local **did not** make a complaint about the AMP feasibility study process. The Local **did not** claim that the public meeting was invalid because the Local did not have the un-redacted approved version of the AMP study. The Local did file the Complaint because the Local has not yet received the un-redacted copy however the claim includes many other items that were not provided such as those listed in our claim (2) and claim (3).

ISSUE INVOLVING LACK OF JURISDICTION

The USPS fails to make a claim of a material fact concerning jurisdiction. The complaint does allege statutory and regulatory violations and has established that the USPS is bound

by U.S.C. 3662. We have properly alleged a violation by the USPS of the provisions of 101(d) also Chapter 36 of title 39 which holds the USPS to consult with the PRC, develop and submit a plan to meet standards including the Postal Accountability and Enhancement Act section 302. We also have established that the USPS has failed to provide information requested violating the NLRB Decision for a copy of the un-redacted AMP study, and all information relating to the decision to consolidate one plant with another. The fact that Congress passed the PAEA only recently (2006) goes to our argument that all the jurisdictional arguments the USPS makes involving cases prior to 2006 are not valid since the passing of PAEA. The PAEA gives the Postal Regulatory Commission much more enforcement tools to direct the USPS to not only provide material facts and documentation to the PRC but that the public, the unions and elected officials have a right to know the real facts relating to service standards, the effects of efficiency and economical factors involved in closures and or consolidations that lead to closures of the USPS in communities. This complaint is not challenging staffing, this is not labor-management relations, this is not network management changes, and however it is about service and service standards. This complaint is about protecting the rights of the mailing public against the potential for monopoly abuse and other unjust or unfair conduct by the USPS in terms of the nature of the service provided. The Local is not basing its complaint on the terms of the settlement agreement by the APWU before the NLRB. That specifically was background information.

1. THIS IS NOT A LABOR RELATIONS MATTER

This complaint does not request the PRC to enforce the terms of the NLRB Settlement. This complaint is about preserving universal mail service. We are not requesting the PRC to resolve the NLRB settlement, nor interpret the Settlement, nor use their subpoena power to enforce the terms of the Settlement.

2. The Commission does have rights to clearly make sure that the USPS is enforcing the statutes with regard to the action of closures, and consolidations. The USPS must provide efficiency and economically sound decisions that can not adversely affect the service standards that would give an unfair advantage to other private entities and deny

the community a viable service. **This claim does not request the PRC to interpret the PO-408 Handbook. This claim does not suggest that the PO-408 is deficient. The Commission does have the authority to request documents from the USPS and issue subpoenas and we are requesting the PRC to do such as it relates to our claim before them. The USPS is changing the service standards and adversely affecting mail service and giving an unfair advantage to other companies to provide the service we are denying our communities, businesses, and the public. We are also addressing in our claim that both the public, the elected officials and the unions have not been provided with all the relevant facts, and that management has intentionally hidden the true fact that the USPS is violating the regulations by not providing information and by not being honest , not providing efficiency and economically sound business decisions affecting services to the public.**

We are not discussing the Law Revision Counsel (LRC). We filed a complaint with the PRC we filed under Title 39 U.S.C. Chapter 36 and added to this Act the Postal Service is to be held accountable to be in compliance and to remain financially secure and it is the Commissions mission to hold them accountable. The Act includes that the USPS shall in consultation with the PRC, develop and submit a plan to meet standards including the PAEA. The PAEA includes section 302 which involves the planning to meet new conditions new identification of costs and savings and new decisions based on the updated facts. These plans and identification of costs & savings can be subpoenaed by the PRC as well as making sure that all data collected is reliable and that the USPS comply with applicable postal laws including PAEA and Title 39 U.S.C.

3. This complaint does allege a proper subsection 101 (d) of Chapter 36 of title 39. This section also states the USPS agrees to act in efficient economical ways. When the USPS fails to act in this way they are in violation of the Act. The PRC has the right to oversee and protect the USPS from itself when it acts in an arbitrary way and makes decisions that will adversely affect no savings, but added costs, based on old in adequate data. The Postal Service has quoted that the only reason they

moved the 55 AMP sites forward is due to the Board of Governors telling them to go forward because Congress has not addressed the financial problems of the USPS. The Board of Governors was quoted in an article. (see attached) The Board of Governors did not get specifically involved with the AMP studies and all the information collected by the USPS. It was the PRC that reviewed some of those studies, however the new evidence of cost savings that has occurred in almost every Postal plant has not been studied and not included as important in the decision to adversely affect the community. The Commission monitors reported service issues to determine if there is a pattern which might affect service nationwide. The 55 Plants that were advanced does adversely affect service nationwide. That is why the PRC does have jurisdiction. The PRC has broad regulatory oversight related to the USPS service standards and service performance, financial accounting and reporting, proposed nationwide changes in service, customer complaints and overall compliance with the PAEA. The PAEA states the PRC is to ensure that the postal system is accessible, transparent, and financially secure by using their enforcement tools. That is why the Complainant has filed a complaint.

B. The Commission is being asked to oversee the USPS in their action to advance 55 P&DCs around the country as well as Mid-Hudson P&DC because their action violates the service standards, as well as denying full transparency to the public, to the unions, to elected officials with regard to the true figures of what is considered a cost savings. We are requesting the costs to be provided to the USPS, the public, and the unions. The fact that the actions by the USPS against the 55 P&DCs is costing the USPS more money to implement instead of showing a real cost savings is important for the PRC to oversee as it does affect the service nationwide and unwise spending by the USPS. This cost is occurring nationwide and there is a real need for the PRC to take steps to request that the USPS revise their plans and update those plans including the new cost saving that have occurred at these P&DCs while placing the consolidation activities on hold. We are not requesting a simple review. We are requesting the PRC to enforce the USPS obligation to provide all the true facts including the large costs that will occur if all the 55 consolidations are

completed this summer including how the move will affect mail service into the future.

11. The Local has raised issues of material facts. These facts are supported by the record. We are not discussing the PO-408 in this complaint we are addressing revising the AMP feasibility study as it is not accurate or updated since the 2 years has lapsed. USPS has attempted to hide that the majority of these consolidations are added costs not savings, as they continue to buy and sell and tear down and reconstruct facilities that was not necessary to save money and ending costing more money.

Mid Hudson P&DC is a perfect example that it will cost more not less to take mail from our facility and ship it to the Albany Plant. Transportation will be high as well as service standard changes, we will lose business to other mailers due to failure in service standards. The AMP study was not absolutely perfectly complete in every imaginable respect. We are not looking to postpone perpetually. We are looking to save the Postal Service not destroy and dismantle it. These 55 plants were held to 2014 for a reason. The USPS knew that the consolidations would adversely affect the service standards, which they did not have permission to change at least until sometime in 2014 and/or through Congressional Action. The PMG in his frustration with Congress moving too slow, has chosen to go forward by stating the Board of Governors told them to. However that is not true. The Board of governors stated that the agency should speed up cost-cutting and revenue boosting measures as legislation has stalled. The 55 P&DC consolidations are not cost cutting but costly actions to the service. The Board stated that the USPS needs to restructure operations to reduce costs. This is not what will occur. The PRC advised the Postal Service to phase in cost cutting measures not to speed up without proper adjustments for managing mail, or else they could damage the quality of service Ms Goldway said. Ms Goldway stated to the press that if the public feels that the new moves by the Postal Service lead to deteriorating quality of service, that people can lodge a complaint with the Postal Regulatory Commission, which

would then review the measures taken. The Postal Service's regulator warned that overly aggressive action could backfire. (See Exhibit #8 attached article Huff Post Business) That is why we have now filed such a Complaint and request that the 55 consolidations stop and be reviewed individually with new information that is updated on the cost savings.

The USPS argues that the issue regarding timeliness of the study or that the study does not include recent cost savings without consolidation ignore the practical realities of the network rationalization initiative and the AMP implementation process as well as decision-making in general. The USPS then states that AMP studies reflect the collection of recent operational, volume and financial data for a specified time frame and provides a basis for decision-making about the future mail processing network. This argument goes to our complaint and justifies that we do have a complaint. The AMP Decision was made in September of 2011. There has been no postal implementation review other than when the General Counsel required the Westchester District Manager to put some paperwork together for their Motion to Dismiss. The Mid-Hudson AMP study was originally scheduled for 2013 but was moved to 2014 as the study results showed that if it was implemented that the service standards would have to change. It was then placed on the 2014 Phase 2 because there was no approval to change the service standards in 2013. The Local has identified many problems with the original AMP study and has addressed that the study was redacted and we have not received a copy of the un-redacted study to even compare information they used back in 2011. We do know that the study did not account for any of the new changes that have occurred after September of 2011 as the union nor I as a member of the public have not received any PIR review. The Local can not state at this time anything concerning the PO-408 because we have not been provided a complete copy of the actual study for Mid-Hudson. We are not arguing the AMP process itself, but we are arguing that you should not be making a decision to advance an AMP study without including an update on the real costs and the real savings after 2 years where there was a loss in staff and new temporary employees brought aboard. We also argue that right now as we speak the Albany P&DC is involved in a high costing reconstruction of their

building to the tune of \$5-10 million dollars to anticipate some room to take on the Mid-Hudson Mail. This added cost with another \$10million in transportation costs obviously proves that this action is going to deteriorate the quality of service this is not cost-cutting measures as the Board requested. The public and the employees and union in Newburgh were not aware that the PRC was reviewing the PO-408 or handling Docket No. N2012-1. At that time our AMP study was placed into Phase 2 for 2014 many felt that Congress would address the Postal Service's real problems with finances including making the large payments each year to future health care costs as well as the overpayments made into the retirement plans and ending the consolidations and closings. Once this was done the AMP studies would not be moved forward. We are not involved in that case; however there was testimony from our National APWU President. Our statistics for Mid-Hudson were not reviewed nor was our special conditions included on our great location, would have to have service standard changes, would have added costs not savings, and a \$1 lease a year lease. We have other issues in the Hudson Valley where we have been a growing community within New York. Everything cannot be thrown into that case file (N2012-1). Our issue is totally a new issue.

B. The Public Service Meeting

The public meeting was not considered valid as the full study was not provided to the Union or to consumers. The summary report the USPS made of that meeting was not accurate. Many legislative members who were present were missing from the list. Over five hundred people were present at the public meeting. The bulk mailer small businesses meeting had 8 people including myself as a bulk mailer. My understanding was that many mailers never received any notice of the meeting. It is what you would call the feeling of a set up. There were thousands of people who signed petitions including businesses and the public as well as employees. Yet the majority of them were not counted. The public meeting was video taped so we do have proof of what occurred and who was there and spoke on our behalf. The PAEA rules were not followed by the USPS with regard to making available info regarding service changes in the communities, nor were we told the truth about cost

savings or the truth about mail volume counts at our facility. People did not have ample opportunity to attend meetings, the union had to attempt to notify the public through the newspapers at our own cost. The USPS notified the public in a very small newspaper in a very small article hidden within the paper. Our public still has not been notified that the USPS plans to change the service standards for all those in the Hudson Valley that receive mail from the Mid-Hudson Plant starting July 22, 2013.

In regard to the request for the un-redacted copy of the AMP study and all other documentation requested, you should know that we only found out about the NLRB Decision on 3-29-2013 when management posted the notice. I submitted the letter requesting the information to our plant Manager, Ed Kerner, as he was the signature on the Notice that was posted explaining, we had the right to finally get an un-redacted copy of the complete AMP studies that had been requested by us in October of 2011. It wasn't until much later did we receive in the mail the actual NLRB award and the NDA. My Plant manager explained that he would forward the request to the District Labor Relations this was as per instructions from Greg Bell our National Officer. Our Local was only recently contacted by Labor Relations explaining that I would get nothing unless I completed the NDA with my request. That has now been submitted. (See Exhibit # 5) The Local's assertion of untimely response goes back to October of 2011 when we requested a copy of the complete study as well as our most recent request. The Local did not fail to allege a cause of action because we are entitled to receive the un-redacted copy and believe that we will never see it without having to go back to the NLRB. The USPS states in their arguments that the issue of the un-redacted AMP study is review able by the Commission under section 3662. We are attaching that request with the NDA. We are requesting that the Commission exercise its subpoena authority in this case involving the study and review the other documents also requested so there is a complete copy.

D. The USPS has not provided the Complainant any documentation that establishes that when they consolidate the 55 plants from the 2014 list which included plants that it would involve a service change. The USPS doesn't want the public to know what is in store for them. Mid-Hudson's mail is being consolidated to a plant that is over 96 miles away. The USPS is falsifying the truth with regard to the Mid-Hudson P&DC. Right now the Albany plant does not get done canceling mail until almost 1:30am. Mid-Hudson cancels their mail by 9 pm. Adding our mail to Albany would add another four hours to the canceling of the letters. Then the letters have to be processed on their DBCSs. It takes almost 13 hours to return the mail to Mid-Hudson for dispatches. The mail will not make it over night. Our trucks leave from Mid-Hudson by 5:30am. The mail will be delayed. The USPS states our size of Intra-SCF will be altered. That is changing the service standards. Albany is a Plant that is over 2 hours away. The proposal to now state that Albany will become part of our SCF is in fact a slap in the face to our customers, employees and the public.

Albany covers a span of many miles north of its city. To state it is now a part of our area as well is in fact denying our Hudson Valley with good service. Modifying operational plans to meet the forced consolidation is not consistent with current practice.

I would request that the PRC investigate the issue of falsifying service standard changes with the over 55 P&DC s and take a good look at what management is doing to beat the system and their consumers. If they are expanding the size of our SCF then why is there a need to consolidate our mail? Mid-Hudson handles the 124,125,126,127 SCFs and Albany handles their SCF 120 through 129 SCFs. There is no need to add costs to transportation at \$10 million and \$10 million to renovate their facility. No matter how you look at it you are costing our agency more money, not less. Where is the cost savings?

111. A.

The Local has satisfied the requirement prior to filing the Complaint. Our National APWU Officers have met and conferred with the Postal Service & their General

Counsel and Management Representatives to resolve or settle the dispute as required by 39 C.F.R. 3030.10(a)(9).

On 1-17-2013 our Union President received a letter from Pat Devine about AMP studies and movement to an advanced date.

On 3-28-2013 Mid-Hudson P&DC and Brooklyn P&DC were added to the 53 other Plants on the chopping block for consolidation this year. There was notification to our Headquarters Union Representative Greg Bell from Patrick Devine designating Greg Bell as the APWU Contact Person.

On 4-10-2013 Greg Bell wrote to Pat Devine about accelerating the consolidations which included Mid-Hudson P&DC and to cease this action.

On 4-11-2013 Greg Bell/APWU headquarters wrote to Pat Devine about AMP studies and updates again trying to get it canceled.

On 4-24-2013 our Union President Cliff Guffey sent a letter to the Chief Executive Officer Pat Donahoe concerning the consolidations which includes our Local.

On 4-25-2013 again, Greg Bell received info from Pat Devine about the AMP_ studies redacted.

On 5-1-2013 Pat Devine wrote to Greg Bell APWU on the advancement of the 55 plants Mid-Hudson was included stating they were still advancing.

On May 9, 2013 Pat Devine sent another letter to Greg Bell/APWU telling him that he would not cancel plans on the consolidations.

On May 16, 2013 another letter was sent to the Local Presidents about all the correspondence that has continued to occur and information to send in to request the non-redacted copies of studies to review to see if a grievance needs to be filed.

Management is unwilling to meet on these issues and settle any of the advanced AMP sites that will be consolidated this summer. After reviewing the USPS argument in their Motion concerning contacting the General Counsel I did not realize that my National APWU Officers were not good enough to prove contact for settlement. I have sent a letter to the General Counsel office and will await their response in attempting a settlement. (See Exhibit # 7). Normally we do not negotiate with the General Counsel from the Local level our National Officers deal with

management at L'Enfant Plaza. (See attached letter mailed certified return receipt#7006 0100 0007 0683 2853). Greg Bell is the designated representative. I request that the PRC allow me the opportunity to continue to try to resolve the issue to postpone the consolidation of the Mid-Hudson P&DC to the Albany P&DC July 22, 2013 and deny the Motion to Dismiss the complaints that have been filed including all Complaints from C201304, C2013-5, C2013-6, C201307, C2013-8, C2013-9. As far as I know management has not changed their mind on any of the 55 Plants that were advanced with regard to revising the AMP Studies. This is the first time I have filed a Formal Complaint with the PRC. I would request to continue with all complaints due to lack of prejudice to any party on this issue of procedure.

B. The issues in our complaints have not been previously resolved by the Commission in Docket No. N2012-1 as required by 39CFR 3030.10(a) (7).

The seven cases were filed based on the fact that the USPS did not revise and update the AMP studies from the 55 Offices that are mostly 2- 4 years old. This issue was not brought up by our National APWU President as his testimony (13 pages) on February 13, 2013 in front of the PRC. He spoke of trying to stop the consolidations so as not to cause the USPS to self destruct. After reviewing the PRC mission statement, it became clear to us that we may have a new complaint. Over the last two years, due to early out retirement and related cost savings occurring in facilities across the country, it has become a issue that our facility has not been provided updated revised reports. We also have the new temporary cheaper labor with hardly any benefits rights that began near the end of 2011 due to the Union give backs. The Postal Plants are now working the same amount of mail but with fewer employees. Yes there is overtime however that is the choice our managers make when it comes to replacing our retirees. There must be increases in productivity as our office always strives to get the mail out on time no matter what. That alone should be enough of an incentive to keep all facilities at least in place until the revised study has been done.

CONCLUSION

This Complaint does warrant review and action to hold the consolidations until there has been a revised AMP study done on all the 55 plants. Also it's important to note on page 29 of the Motion to Dismiss footnotes (45) (46) that the USPS admits to the fact that they know they will be changing the overnight service to one day service. They are claiming that they can grow at the gaining installation to include both areas. This complaint is very clear and to the point that we need to update the studies. If we are given discovery we will be able to make our arguments from actual documents that are hopefully updated and revised. The Agency can also take advantage of making a better financial decision with regard to this Consolidation and the new documentation. This Local is new at filing a PRC Complaint and requests the PRC to make a decision to move forward with this Complaint at least through the discovery stage and the possible settlement sessions between myself and the General Counsel in attempt to save the United States Postal Service. I have mailed a request to them to have a conference call to try to resolve this case even though their Client has told me straight out that he has no intent of slowing down the AMP studies and the consolidation schedules.(see Exhibit # 7 attached letter).

We are requesting that the PRC ensure that the postal system is accessible, transparent, and financially secure by using its enforcement tools and subpoena power and authority to direct the Postal Service to stop any further AMP implementations immediately that have been targeted this summer for the 55 targeted cities. We pray that you consider our request due to the unreliable data and failure to comply with applicable postal laws including the Postal Accountability and Enhancement Act and Title 39 USC.

Respectfully Submitted,

**Debby Szeredy/Representative
Mid-Hudson Area Local**

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Cc: Anthony F Alverno/Chief Counsel/ United States Postal Service

